

Decision 02-01-026 January 9, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Fiber Link, L.L.C.
(U-6028-C) For Modification of its Certificate of
Public Convenience and Necessity ("CPCN") to
Review Proponent's Environmental Assessment
for Compliance with the California
Environmental Quality Act ("CEQA").

Application 99-08-021
(Filed August 10, 1999;
Petition to Modify filed
April 24, 2001)

O P I N I O N

This petition to modify Decision (D.) 00-01-022 was filed on April 24, 2001, by 360networks (USA) inc, the successor to Pacific Fiber Link, L.L.C. In its petition, applicant sought modification of its existing authority to permit it to construct three optical regeneration stations to serve a fiber optic project between the Oregon border and Sacramento.

Applicant filed for bankruptcy on June 28, 2001, both in Canada, where it is headquartered, and in the United States Bankruptcy Court for the Southern District of New York. At a Prehearing Conference conducted on November 9, 2001, applicant stated that it no longer seeks authority to construct the optical regeneration stations. Applicant moved for the withdrawal and dismissal of this petition for modification. The motion to withdraw the application is unopposed.

The motion is granted, and the petition for modification is dismissed.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311 (g)(2) of the Public Utilities Code, the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Applicant filed this petition to modify D.00-01-022 to permit it to construct three regeneration stations.
2. After filing the petition, applicant filed for bankruptcy.
3. Applicant states that it no longer seeks authority to construct the regeneration stations.
4. Applicant has moved for the withdrawal and dismissal of this petition for modification.

Conclusion of Law

The motion to withdraw the petition for modification should be granted, and the petition should be dismissed.

O R D E R

IT IS ORDERED that:

1. The petition to modify Decision 00-01-022 filed by 360networks (USA) inc. is dismissed.
2. This application remains open to deal with other matters.

This order is effective today.

Dated January 9, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners